

April 2, 1984

LB 682, 692

having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: (Record vote read as found on page 2193 of the Legislative Journal.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

SPEAKER NICHOL: LB 682 passes with the emergency clause attached. LB 692 with the emergency clause.

CLERK: Mr. President, I have a motion on the desk. Senator Kilgarin would move to return 692 to Select File for a specific amendment. The amendment you will find printed in your bill book. It is Request #2216.

SPEAKER NICHOL: Senator Kilgarin.

SENATOR KILGARIN: Thank you, Mr. President, members of the Legislature, we are talking about the medical...Hospital-Medical Liability Act or Malpractice Act. It was passed because of a perceived insurance crisis back in 1976 and that is exactly what it was, a perception. None of the advocates of the act, none of them, could definitively state whether or not Nebraska was experiencing California-like skyrocketing insurance rates or whether a reduction in those rates would occur if we pass this act, which indeed it has not. As a matter of fact the strongest proponent of the act, St. Paul Fire and Marine has increased its rates 48 percent since the passage of the act. Another Nebraska insurer, Medical Protective has increased its rates about 15 percent and they are asking for another 10 percent increase. The changes that were wrought by this act are directed, obviously to no avail at controlling health insurance costs, at controlling medical malpractice insurance costs for doctors and hospitals. The act is not directed at controlling incidents of malpractice. It is not directed at controlling the occurrence of malpractice, rather it is directed at controlling the costs for the doctors and hospitals who practice medicine. The changes that the 1976 act brought have come at the patients expense. We are hurting our patients and they do not reach the